IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.Rev.Pet.No. 582 of 2007()

CRA.130/2003 of ADDL. DISTRICT & SESSIONS COURT (ADHOC), MAVELIKKARA

CC.306/1999 of JUDL.MAGISTRATE OF FIRST CLASS, KAYAMKULAM

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REVN. PETITIONER: PETITIONER/PETITIONER

AJITH S. NAIR, AGED 49 YEARS, S/O. SANKARAN NAIR,
POTTAKKANAYATH VEEDU, CHERAVALLY MURI,
KAYAMKULAM VILLAGE.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. VIJAYASANKAR,
MARUTHANATTU THEKKEVEEDU, CHIRAKKADAVAM MURI,
KAYAMKULAM VILLAGE.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 582 OF 2007

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Dated this the 19th day of February 2007

O R D E R

The revision petitioner/accused stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo imprisonment till rising of the court and to pay a compensation of Rs. 1,00,000/- to the complainant under Section 357(3) Cr.P.C and in default to undergo simple imprisonment for one month more.

2. The case of the revision petitioner is that the cheque was issued as a guarantee in favour of the deceased father of the complainant and that after the death of the father of the complainant the complainant has misused the cheque. Absolutely no evidence has been adduced by the accused to rebut the statutory presumptions. In the circumstances, I find no reason to admit the revision petition.

3. All the same considering the plea of the counsel for the revision petitioner the revision petitioner is granted six months time from today onwards to pay the amount of compensation to the complainant. He shall appear before Judicial First Class Magistrate, Kayamkulam on 20.08.2007 to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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